

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) COLLIER/CARTER
)
)
v.) CASE NOS. 1:03-CR-75
)
) 1:13-CR-6
ELIGIO GARZA)

O R D E R

On March 28, 2013, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to the lesser included offense in Count One of the Superseding Indictment in Case No. 1:03-cr-75, conspiracy to distribute less than 50 kilograms of marijuana, in violation of 21 USC §§ 846 and 841(a)(1) and (b)(1)(D), and Count One of the Indictment in Case No. 1:13-cr-6, in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Superseding Indictment in Case No. 1:03-cr-75 and Count One of the Indictment in Case No. 1:13-cr-6; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Court File No. 10). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to the lesser included offense in Count One of the Superseding Indictment in Case No. 1:03-cr-75 and Count One of the Indictment in Case No. 1:13-cr-6, in exchange for the undertakings made by the government in the written plea agreement,

is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One of the Superseding Indictment in Case No. 1:03-cr-75 and Count One of the Indictment in Case No. 1:13-cr-6;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Thursday, July 11, 2013, at 9:00 am.**

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE